REMARKS

Claims 14-20 and 22-24 are presented. Claim 14 has been amended to more clearly define the invention, and claim 21 has been canceled, without prejudice. Claims 23 and 24 have been added and find support in the original claims and specification.

Claim Rejections under 35 U.S.C. §112

Claims 14-22 have been rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness with respect to the terms "addition salt" and "quaternary amine" and the format of claim 21. Although Applicants respectfully disagree with this rejection, the claims have been amended to obviate the rejection and facilitate prosecution of the application.

For example, with respect to the term "addition salt", the Examiner stated that it was unclear as to the structural make-up of the product of the "addition" process (Office Action at 2). Applicants have amended the claims to recite the "pharmaceutically acceptable salt" of the compound of formula (I-a), a common term widely used in the chemical arts. It is respectfully submitted that one of ordinary skill in the chemical arts would easily be able to identify such a salt, once armed with the teachings of the present application.

Rejection Under 35 U.S.C. 102(b)

Claims 14 and 16 have been rejected under 35 U.S.C. 102(b) as being anticipated by Ashley *et al.*, J. Chem. Soc., 4525-4532, 1960 (hereafter "Ashley"). In particular, the Office Action identifies the compound shown on page 4530, second paragraph (2,4-di-p-cyanoanilino-1,3,5-triazine). Applicants respectfully disagree with this rejection as Applicants' define over this compound.

Applicants' claimed compounds are not disclosed or suggested by the cited prior art compound for at least the difference in the substituent corresponding to Applicants' L group. Applicants' claim 14 defines L as one of two possibilities (emphasis added):

> L is C_{4-10}alkyl, C_{2-10}alkenyl, C_{2-10}alkynyl, or C_{3-7}cycloalkyl, whereby each of said aliphatic groups is optionally substituted with one or two substituents independently selected from
> (i) C_{3-7}cycloalkyl,

(ii) indolyl or isoindolyl, each optionally substituted with one, two, three or four substituents each independently selected from halo, C_{1-6}alkyl, hydroxy, C_{1-6}alkyloxy, cyano, aminocarbonyl, nitro, amino, polyhalomethyl, polyhalomethyloxy or C_{1-6}alkylcarbonyl,

(iii) phenyl, pyridinyl, pyrimidinyl, pyrazinyl or pyridazinyl, wherein each of said aromatic rings is optionally substituted with one, two, three, four or five substituents each independently selected from the substituents defined in R^2; or

L is -X-R^3 wherein

R^3 is phenyl, pyridinyl, pyrimidinyl, pyrazinyl or pyridazinyl, wherein each of said aromatic rings is ***optionally substituted with two, three, four or five substituents*** each independently selected from the substituents defined in R^2; and

X is -NR^1-, -NH-NH-, -N=N-, -O-, -C(=O)-, -CHOH-, -S-, -S(=O)- or -$S(=O)_2$-.

In the present case, Ashley discloses a cyanoanilino moiety corresponding to Applicants' L group and such moiety does not meet the definition of an optionally substituted C_{4-10}alkyl, C_{2-10}alkenyl, C_{2-10}alkynyl, or C_{3-7}cycloalkyl group. In considering Applicants' other definition of L as -X-R^3, Applicants' define compounds in which the R^3 group is a phenyl, pyridinyl, pyrimidinyl, pyrazinyl or pyridazinyl moiety which is ***unsubstituted or substituted with from 2 to 5 substitutent groups***. In Ashley, on the other hand, the substituent corresponding to Applicants' R^3 moiety is necessarily a ***monosubstituted*** phenyl group. Accordingly, Applicants' claims define over Ashley, and reconsideration and withdrawal of the rejection based on this reference is requested respectfully.

Double Patenting Rejection

Claims 14-22 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-11 of U.S. Patent No. 6,638,932. However, the double patenting rejection is inconsistent with 35 U.S.C. §121 (and Manual of Patent Examining Procedure §804.01) which prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made as a reference against any divisional application. Here, the Examiner previously restricted out claims 14-22 from the parent case, stating that such claims were distinct and independent from those prosecuted to allowance in the parent case, now U.S. Patent No. 6,638,932 (see Office Action mailed December 30,

2002 during prosecution of Application Serial No. 09/831,808). Accordingly, withdrawal of the double patenting rejection is respectfully requested.

Claim 21 Rejections

Claim 21 has been rejected under 35 U.S.C. §§112 and 101 and 37 C.F.R. §1.75. Applicants disagree with these rejections, but have canceled claim 21 and added claims 23 and 24 in order to facilitate prosecution of the present application. In any event, it would be apparent to one of ordinary skill in the art, once armed with the teachings in the present application, that the combination of a compound of claim 14 and another antiretroviral compound may be used in a simultaneous, separate, or sequential manner for treatment purposes, such as for anti-HIV treatment.

Miscellaneous

Applicants respectfully request confirmation that the amendments to the specification and abstract reflected in the Preliminary Amendment, dated August 27, 2003, have been entered.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is requested respectfully.

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David N. Farsiou
Registration No. 44,104

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439